特許協力条約

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国際予備審査報告

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

出願人又は代理人 の書類記号 E1-A0201P				
国際出願番号 PCT/JP03/10434	国際出願日 (日.月.年) 19.08.2003 優先日 (日.月.年) 22.08.2002			
国際特許分類 (I P C) Int. Cl' C12N15	5/09, C07K14/46, C12N5/10, C12Q1/02, 1/68, G01N33/15, 33/50, 33/53, 33/566			
出願人 (氏名又は名称) エーザイ株式会	社			
1. 国際予備審査機関が作成したこの	国際予備審査報告を法施行規則第57条(PCT36条)の規定に従い送付する。			
2. この国際予備審査報告は、この表	紙を含めて全部で3 ページからなる。			
この国際予備審査報告には、	附属書類、つまり補正されて、この報告の基礎とされた及び/又はこの国際予備審			
査機関に対してした訂正を含 (PCT規則70.16及びPCT この附属書類は、全部で	む明細哲、請求の範囲及び/又は凶風も続けられている。			
3. この国際予備審査報告は、次の内	容を含む。			
I × 国際予備審査報告の基礎	遊			
Ⅱ □ 優先権				
Ⅲ Ⅲ 新規性、進歩性又は産	業上の利用可能性についての国際予備審査報告の不作成			
IV 開の単一性の欠如				
V × PCT35条(2)に規定 の文献及び説明 VI ある種の引用文献	官する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるため			
VII 国際出願の不備				
VII 国際出願に対する意見	· · ·			
国際予備審査の請求事を受理した日 18.12.2003	国際予備審査報告を作成した日 01.07.2004			
名称及びあて先 日本国特許庁 (IPEA/J	特許庁審査官(権限のある職員) 4N 9739 P) 田中 晴絵			
郵便番号100-891 東京都千代田区霞が関三丁目	.5 由中 明版			

国際予備審査報告

国際出願番号 PCT/JP03/10434

I.	国際予備審査	
1.	この国際予備 応答するため PCT規則70	査報告は下記の出願沓類に基づいて作成された。(法第6条(PCT14条)の規定に基づく命令に 提出された差し替え用紙は、この報告普において「出願時」とし、本報告沓には添付しない。 6,70.17)
	× 出願時の国	出願書類
. [」 明細書 明細書 明細書	第 ページ、出願時に提出されたもの 第 ページ、国際予備審査の請求 ひと共に提出されたもの 第 付の書簡と共に提出されたもの
. [請求の範囲 請求の範囲 請求の範囲 請求の範囲	第 項、国際予備審金の請求告と共に使用されたもの はの事節と共に提出されたもの
	図面図面	第 ページ/図、出願時に提出されたもの 第 ページ/図、国際予備審査の請求書と共に提出されたもの 第 付の書簡と共に提出されたもの
	明細語の問	表の部分 第 ページ、出願時に提出されたもの ページ、国際予備審査の請求書と共に提出されたもの ページ、国際予備審査の請求書と共に提出されたもの ページ、 付の書簡と共に提出されたもの
2.	上記の書類 国際調	旗の言語は、下記に示す場合を除くほか、この国際出願の言語である。 下記の言語である 語である。 のために提出されたPCT規則23.1(b)にいう翻訳文の言語 1則48.3(b)にいう国際公開の言語
3.		3審査のために提出されたPCT規則55.2または55.3にいう翻訳文の言語 は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際予備審査報告を行った。
	この 出願? 出願? 出願?	会出願に含まれる審面による配列表 会出願と共に提出された磁気ディスクによる配列表 こ、この国際予備審査(または調査)機関に提出された書面による配列表 こ、この国際予備審査(または調査)機関に提出された磁気ディスクによる配列表 こ、この国際予備審査(または調査)機関に提出された磁気ディスクによる配列表 こ提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述 出があった よる配列表に記載した配列と磁気ディスクによる配列表に記録した配列が同一である旨の陳述書の提出 た。
4	明細書開業の報酬を開業を表現し、関本の報酬を表現し、日本の報報を表現し、日本の報用を表現し、日本の表現し、日本の表現し、日本の表現し、日本の表現のでは、日本の表現し、日本の表現のでは、日本の表現りでは、日本の表現のでは、日本の生の生の生の生の生の生の生の生の生の生の生の生の生の生の生の生の生の生の生	図面の第 ページ/図
	_{わ.ろの} -	で個番登報告は、補充例にからにように、間正な 日版が170.2(c) この補正を含む差し替え用紙は上その補正がされなかったものとして作成した。(PCT規則70.2(c) この補正を含む差し替え用紙は上さける判断の際に考慮しなければならず、本報告に添付する。)

V. 新規性、進歩性又は産業上 文献及び説明	の利用可能性についての 法 第1 	2条(PCT35条(2))に定める見解、そ 	それを裏付ける
1. 見解	·		
新規性(N)	請求の範囲 請求の範囲	4, 8, 11, 12 1-3, 5-7, 9, 10	有 無
進歩性(IS)	請求の範囲 請求の範囲	1-12	· 有 無
産業上の利用可能性(IA)	請求の範囲 請求の範囲	1-12	有 無
文献1:MIMORI-KIYO es along microtubule ells., J. Cell Biol. 文献2:JUWANA JP e s., Int. J. Cancer, 19 請求の範囲1-3, 請求の範囲1-3, ない。 文献1には、アフリ 以降のC末端側ヌフリ	下の文献1、2が挙り SUE Y et al., Adenoma es and concentrates 2000 Feb 7, Vol. 148, N t al., EB/RP gene fam 99 Apr 12, Vol. 81, No. 5-7, 9, 10 5-7, 9, 9, 9, 9, 9, 9, 9, 9, 9, 9, 9, 9, 9,	at their growing ends in epi o.3, p. 505-18 ilv encodes tubulin binding	protein 規性を有 アパ質と のアパ質を でから でいる でいる でいる でいる でいる でいる でいる でいる でいる でいる
文献2には、APC のほとんどがAPC 領域が癌抑制機能を そして、請求の範	C遺伝子の変異が大腸 タンパク質のC末端領: ・ヘことが記載されて	献2、1により進歩性を有さな ポリープや大腸癌に関与するこ 域の欠如であること、APC蛋 いる。 化とは、ポリープ、癌に特徴的	白のC末端





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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Inslation internal	PATENT COOPERATION TREATY
Slatio	PCT
INTERNAT	TIONAL PRELIMINARY EXAMINATION REPORT
	(PCT Article 36 and Rule 70)
pplicant's or agent's file reference E1-A0201P	FOR FURTHER ACTION See Notification of Transmittal of Internation Preliminary Examination Report (Form PCT/IPEA/4
nternational application No. PCT/JP2003/010434	International filing date (day/month/year) Priority date (day/month/year) 19 August 2003 (19.08.2003) 22 August 2002 (22.08.2002)
	12N 5/10, C12Q 1/02, 1/68, G01N 33/15, 33/50, 33/53, 33/566
Applicant	EISAI CO., LTD.
70.16 and Section 607 of These annexes consist of 3. This report contains indications I Basis of the rep II Priority III Non-establishm IV Lack of unity of	port . ment of opinion with regard to novelty, inventive step and industrial applicability
VII	nents cited is in the international application vations on the international application
VII Certain defects VIII Certain observ	es in the international application
VI Certain defects	Date of completion of this report
VII Certain defects VIII Certain observ Date of submission of the demand	Date of completion of this report (18.12.2003) Date of July 2004 (01.07.2004)

International application No.

PCT/JP2003/010434

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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the inte	ernations elements the lang	o the language, all the elements marked above were available or furnished to this Authority in the language in which all application was filed, unless otherwise indicated under this item. st were available or furnished to this Authority in the following language which is: guage of a translation furnished for the purposes of international search (under Rule 23.1(b)).
		c. 11:time of the intermetional application (under Rule 48.3(b)).
	the lang	guage of publication of the international application (under Rule 48.3(b)). guage of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and on the purposes).
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cation No. International PCT/JP03/10434

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1. Statement			YES		
Novelty (N)	Claims	4, 8, 11, 12			
-	Claims	1-3, 5-7, 9, 10	NО		
Inventive step (IS)	Claims		YES		
Inventive such (10)	Claims	1-12	ио		
Industrial applicability (IA)	Claims	1-12	YES		
industrial applications (1.3)	Claims		NO		

2. Citations and explanations

The following documents 1 and 2 are cited in the ISR.

Document 1: Adenomatous Polyposis Coli (APC) Protein Moves Along Microtubules and Concentrates at Their Growing Ends in Epithelial Cells, (Y. Minori-Kiyosue, et al.), J. Cell Biol., 7 February, 2000 (07.02.00), Vol. 148, No. 3, pages 505-518

Document 2: EB/RP Gene Family Encodes Tubulin Binding Proteins, (JP Juwana, et al.), Int. J. Cancer, 12 April, 1999 (12.04.99), Vol. 81, No. 2, pages 275-284, Abstract

Claims 1-3, 5-7, 9 and 10

The subject matters of claims 1-3, 5-7, 9 and 10 do not appear to be novel in view of document 1. Document 1 describes a mutant APC protein without the 2159th position and subsequent amino acid domains at the C terminal, derived from a Xenopus, and a polynucleotide, etc. to code for the said protein, and describes that the said mutant APC protein is expressed in cells derived from a South African clawed frog by means of genetic engineering. The said mutant APC protein corresponds to mutant APC proteins described in claims 1-3.

Claims 1-12

The subject matters of claims 1-12 do not appear to involve an inventive step in view of documents 1 and

Document 2 describes that mutation of APC gene is involved in polyps or cancer of the large intestine, that most of the said mutation cases are deficiencies of domains at the C terminal of APC protein, and that the domains at the C terminal of APC protein have a function of controlling cancer.

It is considered d that the multi-layering of cells described in claim 1 is a form observed characteristically in polyps or cancer.

Accordingly, a person skilled in the art could have easily created the subject matters of claims 1-12 by applying the genetic engineering techniques described in document 1 to the mutant APC described in document 2 that is deficient in C-terminal domains and does not have a function of inhibiting the development of polyps or cancer, in other words, the mutant APC to induce the multi-layering of cells.